

APPEAL NO. 042216
FILED OCTOBER 25, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 16, 2004. The hearing officer determined that the compensable injury of _____, extends to and includes an injury to the left shoulder and cervical spine, but it does not extend to and include an injury to the lumbar spine. The appellant (claimant) appeals the extent-of-injury determination with regard to the lumbar spine, on sufficiency of the evidence grounds. The respondent (self-insured) urges affirmance. The hearing officer's determinations with regard to the left shoulder and cervical spine were not appealed and have become final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury of _____, does not extend to and include an injury to the lumbar spine. This determination involved a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**PRESIDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge